



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,610	09/26/2000	Denny Jaeger	4143	4665

7590
Harris Zimmerman Esq
1330 Broadway
Suite 710
Oakland, CA 94612

01/23/2012

EXAMINER	
NGUYEN, HAU H	
ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
01/23/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DENNY JAEGER, KENNETH M. TWAIN, and JOHN REAM

Appeal 2009-011973
Application 09/670,610
Technology Center 2600

Before MAHSHID D. SAADAT, DEBRA K. STEPHENS,
and MICHAEL R. ZECHER, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the rejection of claim 97. Claims 1-93, 96, 98, 100, 101, 105-107, and 112 have been canceled, and claims 94, 95, 99, 102-104, and 108-111 have been indicated as containing allowable subject matter. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellants' invention relates to touch screen input devices (see Spec. 4:2-7). The only claim under appeal reads as follows:

97. A system for providing input to a generally flat touch screen, including:
 a plurality of devices for interacting with the touch screen, each device including a base member and means for securing said base member to the touch screen;
 means associated with said base member for provoking a touch detection by the touch screen;
 wherein said plurality of said devices are joined in a crack-and-peel sheet.

The Examiner rejected claim 97 under 35 U.S.C. § 103(a) based upon the teachings of Selig (US 6,492,978 B1) and Varveris (US 6,249,277 B1).

ANALYSIS

The Examiner relies on Selig for disclosing all the claimed elements except for joining the plurality of devices in a crack-and-peel sheet, for which the Examiner relies on Varveris (Ans. 4-5). The Examiner further finds that Varveris, as depicted in Figures 5-7, discloses a stylus having a strap in the form of "hooks and loops fastener (such as Velcro® material)" (Ans. 4). The Examiner reasons that one of ordinary skill in the art would have joined the touch screen input devices of Selig in a crack-and-peel sheet to provide a plurality of inputs to the touch screen (Ans. 4-5).

Appellants contend that the relied-on portion of Varveris does not disclose assembling a plurality of touch screen input devices in a crack-and-peel sheet (Br. 12). Appellants further assert that the fastener disclosed in Varveris is different from the disputed claim feature because the term

“crack-and-peel” is a term of art which relates to sheets of labels or stickers as described in Appellants’ Specification (*id.*; *see also*, Spec. 41, l. 21 – Spec. 42, l. 3).

We agree with Appellants’ contentions above. Contrary to the Examiner’s stated position (Ans. 6-7), the hooks and loops fastener or strap of Varveris does not constitute a crack-and-peel sheet that joins a plurality of input devices. We specifically agree with Appellants’ assertion (Br. 12) that the solitary touch input device of Varveris does not teach or suggest the claimed “plurality of said devices are joined in a crack-and-peel sheet” to the skilled artisan.

CONCLUSION

The Examiner erred in rejecting claim 97 as being obvious because the combination of references fails to teach or suggest all the claimed features.

DECISION

The Examiner’s decision rejecting claim 97 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

REVERSED

ke